FARAD CONTINUATION SHEET NO.:

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
WRIT PETITION NOS. 5200 OF 2006 TO 5247 OF 2006

Office Notes, Office Memoranda of coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

Mr T.J Vora a/w Mr G.K.Vora, for the petitioners.

Mr M.P.Vashi, senior counsel, i/b M/s M.P.Vashi and Associate, for the respondents.

Mr R.G.Singh, for the respondents in WP Nos 5246 and 5247 of 2006.

CORAM: D.B.BHOSALE,J.
DATED: 25.01.2007.

P.C.:

Heard the learned counsel for the parties.

In all these writ petitions, the petitioners are common. They have challenged the judgment and order dated 6.5.2006 passed on the applications filed by the respondents/defendants seeking stay to the execution and operation of the judgment and decree passed against them in the suits filed by the petitioners for eviction on the grounds available under section 13(1)(g) and 13(1)(i) of the Bombay, Rents, Hotel and Lodging, House Rates Control Act, 1947. The operative part of the order in the first

writ petition no.5200 of 2006 reads thus :-

> "Application is allowed. The execution of the decree is stayed on appellant's depositing rent in Court regularly as per the order passed by the trial Court during the pendency of the suit.
>
> The amount so deposited by the appellant be paid over to the respondents.
>
> The appellant is restrained by issuing temporary injunction from parting with possession of the suit premises in any manner whatsoever and also from carrying on any work of additions and alterations of permanent nature in the suit premises during the pendency of the appeal."

In all these matters, the judgments and the operative part are similar. The learned counsel for the parties have fairly stated that I need not record reasons for disposing of these writ petitions and have agreed for the following order.

(i) The impugned orders stand confirmed. All the occupants of the tenements are directed to file an usual undertaking of all the adult members in the family, before the first appellate court, within twelve weeks from today incorporating the conditions reflected in the last

paragraph of the operative part of the order.

(ii) The learned counsel for the parties state that though every appeal is disposed of by a separate judgment, the facts, evidence and even the arguments advanced before the trial court were common and therefore it would be possible for the appeal court to decide all the appeals within timeframe. In view thereof, the appeal court shall endeavour to decide all the appeals as expeditiously as possible and preferably within a period of eight months from the date of receipt of this order on merits in accordance with law.

(iii) This order shall not be construed as a consent of the petitioners for the order of stay granted by the impugned order. All contentions insofar as rent and mesne profits are concerned, are left open.

(iv) All the writ petitions are disposed of.

(v) Parties to act on an authenticated copy of this order.

(D.B.BHOSALE,J.)